

EXHIBIT E

By Facsimile

May 19, 2005

Caitlin Lhommedieu, Esq.
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191-1411

**Re: BIS Advanced Software Systems, Ltd. v. Red Bend Software, Inc., et al.,
Civil Action No. 04-11960**

Dear Caitlin:

I am writing concerning BIS's April 21, 2005 production of documents and certain discovery scheduling issues.

First, I note that the documents produced on April 21 have all been marked "highly confidential," and that your cover letter to Ethan Horwitz indicates that all of the produced documents (Bates labeled BIS 000001 through BIS 000581) should be treated as "Attorneys Eyes Only" until entry of the protective order. It appears, however, that the documents are all publicly available patent prosecution files and cited prior art. Accordingly, any confidentiality designation is inappropriate. Please confirm that none of these documents must be treated as confidential.

Second, BIS's production is clearly inadequate as it contains only file history documents. It cannot be the case that BIS has no other documents responsive to Defendants' First Request For Production Of Documents. By way of example only, I note that BIS agreed to produce documents in response to requests for the inventor's files (Request No. 4), conception of the invention (Request No. 5), reduction to practice of the invention (Request No. 6), and embodiments of the invention (Request No. 7), among others. At this time, I will not detail each of the other Requests in response to which BIS stated that it would produce documents. In short, BIS's April 21, 2005 production is incomplete, and we hope to be able to resolve issues concerning this inadequate production.

Third, it is the case that both sides agreed to a rolling production, which could provide a partial explanation for the fact that BIS has, to date, produced nothing more than the file history for the


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patent as to which BIS alleges infringement. Notably, your cover letter of April 21, 2005 does not give any indication that this first production was intended as a partial production. Neither does it provide any information as to when BIS will be producing any additional documents in response to Defendants' First Request for Production.

Finally, in addition to having produced only a limited number of publicly available documents, you recently indicated that BIS will not abide by the deposition schedule that you arranged with Ethan in March. In particular, each side was to produce one witness for a preliminary 30(b)(6) deposition on limited topics in late May or early June. On Monday of this week I offered to produce the Red Bend, Ltd. 30(b)(6) witness in early June, specifically on June 8 and 9. When you got back to me the next day, you told me that, not only are you not available on June 8 and 9 to take a deposition of Red Bend, but also that the BIS designee is purportedly not available until the last two weeks of July.

We would like to discuss each of these topics during the conference that is already scheduled for tomorrow at 3:00 p.m.

Very truly yours,


Anastasia M. Fernands

cc: Daniel P. Tighe, Esq.
Bruce E. Falby, Esq.
Ethan Horwitz, P.C.